

06-15-'04 16:11 FROM-Lerner & Greenberg

+9549251101

T-246 P02/06 U-537

Appl. No. 10/047,001

Amdt. Dated June 15, 2004

Reply to Office Action of March 15, 2004

REMARKS

Reconsideration of the application is requested.

Applicants acknowledge the Examiner's confirmation of receipt of Applicants' certified copies of the priority documents for the German Patent Application 199 33 542.7, filed July 16, 1999 supporting the claim for priority under 35 U.S.C. § 119.

Claims 1-12 are in the application.

In "Claim Rejections - 35 USC § 103" on page 2 of the above-identified Office Action, claims 1-12 have been rejected as being obvious over U.S. Patent No. 6,289,041 to *Krasner* (hereinafter **KRASNER**) in view of U.S. Patent No. 6,278,699 to *Atarius* (hereinafter **ATARIUS**) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Applicants agree with the Examiner that, as indicated in the above-identified Office Action in the penultimate paragraph of page 3, "Krasner does not teach despreadening the synchronization received with the known code" in light of

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"the time period estimated in the estimating steps" to determine a frequency deviation that is based on the despread received synchronization signal. However, Applicants respectfully assert that **ATARIUS** does not overcome this deficiency, because **ATARIUS** only discloses the use of a "non-spread periodic signal" for synchronization, which by definition requires that the synchronization signal must be NON-DESPREADABLE.

As such, Applicants respectfully traverse the position of the above-identified Office Action that **ATARIUS** shows "despreading the received synchronization signal with the known code" and that the frequency deviation is "based in part on the despread received synchronization signal" as recited in claim 1 of the instant application. Based upon a review of the detailed description supporting FIG. 4 in **ATARIUS** (e.g., Col. 6, lines 7-24) and claim 1 (see e.g., Col. 7, lines 22 to 23) of **ATARIUS**, Applicants believe it is unambiguous that **ATARIUS** teaches the use of a "non-spread periodic signal" (see e.g., Col. 7, lines 22 to 23) for synchronization (see e.g., signal t in Fig. 4). Consequently, **ATARIUS** uses a non-despreadable signal for synchronization.

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In contrast, a brief review of the present invention as claimed illustrates that claim 1 calls for, *inter alia*, a method of synchronizing mobile CDMA radio receivers in a cellular CDMA mobile radio system including:

despreading a received **synchronization signal** with a known code and taking into account an estimated time period;

determining a frequency deviation between a first frequency and a second frequency **based on the despread received synchronization signal**; and

fine-tuning the second frequency to the first frequency **based in part on the despread received synchronization signal**.

Similarly, claim 7 calls for, *inter alia*, a device for synchronizing mobile CDMA radio receivers using the method according to claim 1 in a mobile radio system having a first synchronization channel for transmitting a synchronization signal with a code that is known to all the mobile radio receivers and to all base stations of the mobile radio system. As such, claim 7 also **despreads** a received **synchronization signal**, determines "a frequency deviation between a first frequency and a second frequency **based on the despread received synchronization signal**," and fine-tunes "the second frequency to the first frequency **based in part on the despread received synchronization signal**" as recited in claim 1 of the instant application.

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As the signal being used in **ATARIUS** is non-despreadable, **ATARIUS** actually teaches against "despread a received synchronization signal with a known code and taking into account an estimated time period" as recited in claim 1 of the instant application. Moreover, "fine-tuning the second frequency to the first frequency based in part on the despread received synchronization signal" is not possible, because the received synchronization signal in **ATARIUS** can not be despread.

Clearly, **ATARIUS** does not show "determining a frequency deviation ... based on the despread received synchronization signal" and "fine-tuning the second frequency to the first frequency based on the despread received synchronization signal" as recited in claim 1 of the instant application. Nor does **ATARIUS** teach or suggest "despread a received synchronization signal" as recited in claim 1 of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

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In view of the foregoing, reconsideration and allowance of claims 1-12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

Kyle H. Flindt
Reg. No. 42,539

Kyle H. Flindt
For Applicants

KHF:cgm

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Lerner and Greenberg, P.A.
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101